

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

§

§

vs.

§

§

HEATHER STARR ALLEN

§

Case No. 4:06cr221
(Judge Schell)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for modification of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 26, 2006, to determine whether the Defendant violated her supervised release. The Defendant was represented by Robert Arrambide. The Government was represented Katherine Miller.

Defendant was sentenced by the Honorable Judge Edward C. Prado on July 10, 2002 to twenty-four (24) months imprisonment followed by a five (5) year term of supervised release for Conspiracy to Distribute and Possess With the Intent to Distribute More Than 500 Grams of Methamphetamine. On August 20, 2004, the Defendant completed her period of imprisonment and began service of her supervised term.

On September 15, 2006, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that the Defendant violated the following condition: 1) Defendant shall not commit

another federal, state, or local crime. The petition alleges Defendant committed the offense of Forgery, as alleged in Dallas County, by attempting to cash a counterfeit money order in the amount of \$1,000. Defendant was subsequently found guilty and sentenced to twelve (12) months supervised probation.

Prior to the Government putting on its case, the Defendant entered a plea of true to the alleged violations. At the hearing, the Court recommended that the Defendant's supervised release be modified.

RECOMMENDATION

The Court recommends that the District Court modify Defendant's supervised release. The Court recommends that the Defendant be put on home confinement with electronic monitoring for 120 days. The Court recommends Defendant is allowed to attend work, but shall abide by a curfew from 6:00 pm. to 7:00 a.m. Monday through Friday, and 6:00 p.m. to 12:00p.m. on Saturdays and Sundays. The Court further recommends Defendant is to pay the costs associated with her program of electronic monitoring.

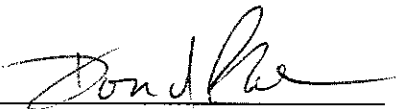
Within ten (10) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C.A. § 636(b)(1)(C).

Failure to file written objections to the proposed findings and recommendations contained in this report within ten days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings

and recommendations and from appellate review of factual findings accepted or adopted by the district court except on grounds of plain error or manifest injustice.

Thomas v. Arn, 474 U.S. 140, 148 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).

Signed this 30 day of January, 2007.



Don D. Bush
United States Magistrate Judge